

SUBJECT: Indiana Harbor - U.S. EPA
Superfund Evaluation

DATE: November 19, 1984

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TO: L. A. Szuhay
Manager-Waste Management

NO.: 0139a

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A meeting was held on November 13, 1984 with Paul Hess and Margaret Burns of Ecology and Environment, Inc. (E&E), Carl Broman, and me regarding U.S. EPA's evaluation of Indiana Harbor Works under Superfund. E&E is U.S. EPA Region V's contractor for this work.

While the investigation is a follow-up to the Superfund notice filed in 1981 regarding past on-site neutralization and disposal of waste pickle liquor over slag, E&E's intent, and apparently EPA's, is to assess the entire Works in terms of identifying any release, past or present, that might be construed as subject to Superfund. This would include sampling of unlined treatment lagoons, existing water wells, and a comprehensive review of past waste management practices (hazardous and non-hazardous). Monitoring wells may also be installed.

In addition, E&E specifically intends to review the coke plant on the basis that past coke oven emissions constitute a release of a hazardous substance subject to Superfund. Hess cited the enclosed ambient monitoring study made in East Chicago as sufficient evidence to make this case (Attachment I, conclusions on page 18). Also included as Attachment II is an evaluation of the study by Inland Steel. Hess may be making his assertion on the basis of benzo-a-pyrene (BAP) emissions which were used as a tracer in the noted study, or based simply on coke oven emissions which were recently listed by U.S. EPA, in a generic sense, as a hazardous air pollutant.

It is likely that the evaluation will also focus attention to potential problems associated with the underground oil pool at Indiana Harbor. Although petroleum, crude oil, and portions thereof are not, in general, considered hazard substances for the purposes of Superfund, we should be prepared to elaborate on continuing efforts to remedy this particular situation.

Preliminary objections were raised to both E&E and EPA as to the scope of the intended evaluation as certain of the facilities in question are regulated via the Clean Air and Clean Water Acts. However, it is apparent that EPA may have delegated questionably broad discretionary latitude to E&E as evidenced by the enclosed letters of introduction which indicate E&E's authorization to determine compliance under RCRA and the Clean Water Act in addition to their responsibilities under Superfund (Attachment III). However, it's clear that a formal response to EPA is needed in order to obtain a reasonable scope of study. Accordingly, a meeting has been scheduled with the Law Department to develop such a response.

L. A. Szuhay
November 19, 1984
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Also enclosed for your reference are copies of earlier correspondence on this subject (Attachment IV).

S. A. Green

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Environmental Management Engineer

SAG/fh

Attachments

cc: C. U. Broman
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J. A. DiMauro*
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